

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute :—Industrial Dispute between the Workmen and the Management of Mylimane Estate, Joldhal Post, Chikmagalur Taluk.

Award of the District Judge and *Ex-Officio* Presiding Officer, Labour Court, Bangalore—Published.

Read the following papers :

(1) Letter No. 10209/1970 dated 11th December 1970, from Sri S. B. Sawkar, District Judge and *Ex-Officio* Presiding Officer, Labour Court, Chikmagalur.

BEFORE THE DISTRICT JUDGE AND *EX-OFFICIO*
PRESIDING OFFICER, LABOUR COURT, CHIKMAGALUR

Dated the 11th day of December 1970.

Present:

Sri. S. B. Sawkar, LL.B.,
District Judge and *Ex-Officio* P O.,
Labour Court, Chikmagalur.

Reference No. 16/70.

I Party :

Kodiya and Sundari, represented by the Secretary, Karnataka Provincial Plantation Worker's Union, Chikmagalur.

Vs.

II Party .

The Management of Mylimane Estate, Joldhal Post, Chikmagalur Taluk.

The Government in their Order No. FCL 636 LLD 68, dated the 25th November 1968 referred the dispute between the I and II party under Section 10 of I. D. Act 1947, to the Labour Court at Bangalore, and the same was transferred subsequently to this

Court as per orders of the Government dated 18th November 1969 and after receipt of the reference, it was registered as Ref. No. 16/70.

Order.

This is a reference made by the Government of Mysore under Section 10, sub-section (1) clause (c) of the Industrial Disputes Act, 1947 of the dispute between the workmen represented by the Secretary first party and the management of Mylimane Estate, the second party.

2 The points of dispute are as below :—

I (a) Are the workmen of Mylimane Estate justified in demanding the reinstatement with back wages and continuity of service of Kodiy and Sundari with effect from 19th September 1967 ?

(b) If not, to what other reliefs are the workmen entitled ?

3 Notices to both the parties were duly served on 30th June 1970 and the case was posted to 7th July 1970. On 7th July 1970 Sri B. S. Halappa, Advocate, undertook to appear for party No. 1, and Sri Ramadas, Asst. Secretary, M.S.P.A., filed letter of authority for party No. 2. Sri B. S. Halappa requested time to file re-joinder and the case was then posted to 11th August 1970. On 11th August 1970, Sri B. S. Halappa filed memo of authority and re-joinder of the second party was also filed on that date. The case was then posted for issues on 29th August 1970, and it was then adjourned from time to time till 12th October 1970, when the following issues were framed and the case was posted for evidence on 11th December 1970.

- (1) Are the workmen of Mylimane Estate justified in demanding the reinstatement with back wages and continuity of service of Kodiy and Sundari with effect from 1967?
- (2) If not, to what other reliefs are workmen entitled ?
- (3) Under what ground the management refused work to Kodiy and Sundari ?
- (4) Whether casual or temporary system of work exist in Plantations ?

4. On 11th December 1970, both the parties filed a memo of settlement stating that both the parties have settled their claim as stated in the memo and they have no objection for an award being made in terms of the same. Both the parties have admitted the correctness of the memo to be correct. Their counsel have signed the settlement, therefore, accept the memo of settlement and pass the following award:

AWARD.

In view of the claim having been settled between the parties an award in terms of the joint memo of settlement, which shall be annexure to this award, is passed. No order as to costs.

Dictated to the stenographer, transcribed, and then pronounced in open court this 11th day of December 1970.

S. B. SAWKAR,
*District Judge and Ex-Officio Presiding
Officer, Labour Court,
Chikmagalur.*

Annexure to the Award.

Before the Hon'ble Labour Court, Chikmagalur.

Reference No. 16 of 1970.

Workmen represented by the Secretary, Karnataka Provincial
Plantation Workers' Union, Chikmagalur. ... *First Party.*

Vs.

The Management of Mylemoney Estate, Joladalu P.O., Chik-
magalur District. ... *Second Party*

Memo of Settlement.

The first party and the second party in the above case have amicably settled this dispute on the following terms:—

- (1) The Second party agree to pay Rs. 50 (rupees fifty only) to Sri Kadiya and Rs. 30 (rupees thirty only) to Srimathi Sundari in full and final settlement of their claims.
- (2) In view of the above, the first party relinquishes the claim for reinstatement with back wages to Sri Kadiya and Smt. Sundari.

The first party and the second party pray that an Award may be passed in the above terms.

Dated this day the 10th December 1970 at Chikmagalur

For the First Party.

For the Second Party.

(Sd.) A.K. Viswanath.

(Sd.) K. Ramadas.

(Sd.) B. S. Halappa.

"True Copy"

Filed in Court on 11th December 1970.

S. B. SAWKAR.

*Dist. Judge and P.O. Labour Court,
Chikmagalur.*

ORDER.

Bangalore, dated 18th December 1970.

S.O.44 WHEREAS by State Government Order No.FOL 636 LLD 68, dated 25th November 1968, the Industrial Dispute between the Workmen and the Management of Mylimane Estate, Joldhal Post, Chikmagalur Taluk, was referred to the Labour Court, Chikmagalur, for adjudication.

AND WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. FOL 269 LLA 70.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,

Under Secretary.